

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3352

DATE: January 9, 2002

PROPOSAL: To add Section 27.70.060 to the Lincoln Municipal Code (LMC) to allow the storage of vehicles for sale in the front yard of the B-3, H-2, H-3, and I-2 zoning districts with conditions.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

APPLICANT: Jan Merritt, Executive Director
Nebraska Independent Auto Dealers Association
5701 Russell Drive
Lincoln, NE 68507

CONTACT: Bill Austin, Esq.
301 South 13th Street Suite 400
Lincoln, NE 68508

PROPOSED TEXT CHANGES: Attached.

HISTORY: SP#1929 - An application for a special permit was submitted by Red Star Auto to park and display vehicles in the front yard at 702 West O Street. The application received recommendations for denial from the Planning Department and Planning Commission. The permit was approved by the City Council on October 22, 2001, but was subsequently vetoed by the Mayor on October 29, 2001.

CZ#3350 - In response to issues raised by SP#1929, the City Council directed City Staff to develop alternate revisions to the Zoning Ordinance to allow auto sales and display in the front yard without a special permit, but that included conditions that would provide land use compatibility. Consensus among City Council, the Mayor and City Staff had not been reached on the content and form of the revision when CZ#3352 was submitted by the Nebraska Independent Dealers Association.

ANALYSIS:

1. The proposed change to the Zoning Ordinance adds Section 27.70.060 to allow the storage of vehicles for sale or resale in the B-3, H-2, H-3 and I-2 zoning districts on any portion of a required yard where parking is otherwise permitted, under certain conditions. Generally, these conditions state that the vehicle cannot be upon a raised structure, the hood or trunk will not be open, and the landscaping must be installed in accordance with the parking lot design standards. The provision allowing this use with

a special permit remains, presumably for those circumstances where an exception to these conditions is desired.

2. Currently, standards are being developed for both public way corridors and entry way corridors. Any revisions to LMC that affect setbacks, landscaping and design standards along those roadways should be reviewed in the broader context of the standards currently being developed. Considering the potential for conflict between the proposed ordinance amendment and the work done thus far on entry and public way corridors, this request is premature but should be reviewed in conjunction with the process established to develop these new standards.
3. As noted in #1 above, the proposed amendment does not remove provisions in the Zoning Ordinance that allow storage of vehicles for sale where parking is permitted in the B-3, H-2, H-3 and I-2 zoning districts with a special permit. With these provisions still in place, the process to grant exceptions to conditions or design standards by special permit remains intact. The effect is that the amendment does not relieve the City Council from having to consider special permits seeking waivers to allow auto sales in the front yard.

If the City Council approves this request, it should be subject to an amendment that deletes the special permit provisions.

Prepared by:

Brian Will, AICP
Planner

ORDINANCE NO. _____

AN ORDINANCE amending Chapter 27.70 of the Lincoln Municipal Code by adding a new Section numbered 27.70.060 relating to the storage of vehicles for sale or resale in a required yard in the B-3, H-2, H-3, and I-2 zoning districts under specified conditions.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Chapter 27.70 of the Lincoln Municipal Code be amended by adding a new Section numbered 27.70.060 to read as follows:

Section 27.70.060 Storage of vehicles for sale where parking is permitted in the B-3, H-2, H-3, and I-2 zoning districts; conditions.

The storage of vehicles for sale or resale in the B-3, H-2, H-3, and I-2 zoning districts may be permitted upon any portion of a required yard where parking is otherwise permitted under the following conditions:

- (a) No vehicle shall be stored for sale or resale in a required yard upon any raised structure;
- (b) Neither the hood nor the trunk lid of any vehicle stored for sale or resale in a required yard shall be open except when being inspected by a customer or when being serviced.
- (c) That portion of any front yard utilized for storage of vehicles for sale or resale shall be landscaped in accordance with the parking lot design standards.

The provisions of this section shall be supplementary to, and in addition to, any other provisions of this code relating to storage of vehicles for sale or resale.

Section 2. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Reasons for Request

Approval of new section 27.70.060 would allow for the storage of vehicles for sale in the front yard in the B-3, H-2, H-3, and I-2 zoning districts. Currently, parking in the required front yard is permitted in the H-2 and H-3 zoning districts, but the display of vehicles for sale is not permitted. Under Section 27.63.700 of the Lincoln Municipal Code, a special permit can be obtained in the B-3, H-2, H-3, and I-2 zoning districts to allow storage of the vehicles for sale where parking is permitted.

This amendment would allow car dealers to display vehicles for sale in the required front yard in the specified districts under the typical limiting conditions attached to the special permits that have previously been granted. It eliminates the need for Planning Commission and City Council review of this limited additional use of the front yard where the conditions are met. The applicants suggest that the display of vehicles in the front yard has less probability of detracting from the appearance of these districts than typical parking.

The special permit provisions would still be available for those who request relief from the conditions or who seek modification of landscaping requirements.